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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/659,486 | 09/10/2003 | Patrick Stevens | PD-202135 | 3464 |

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| EXAMINER | |
|---|---|
| SALL, EL HADJI MALICK | |
| ART UNIT | PAPER NUMBER |
| 2457 | |
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| 02/01/2010 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| **Advisory Action Before the Filing of an Appeal Brief** | **Application No.** 10/659,486 | **Applicant(s)** STEVENS ET AL. | |
|---|---|---|---|
| | **Examiner** EL HADJI M. SALL | **Art Unit** 2457 | |

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 06 January 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: *none*.
   Claim(s) objected to: *none*.
   Claim(s) rejected: *1-36*.
   Claim(s) withdrawn from consideration: *none*.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Salad Abdullahi/
Primary Examiner, Art Unit 2457

Continuation of 11. does NOT place the application in condition for allowance because: (A) Applicant argues that the Examiner acknowledges that Dutta et al. fails to disclose the claimed features of "modifying the request to include information specifying support of a parse and pre-fetch service as to permit handling of the modified request by the web server in absence of an upstream proxy that is communicating with the web server" and "forwarding the modified request towards the web server, wherein the upstream proxy, if present, intercepts the modified request and pre-fetches the content from the web server." The Examiner relies on Sharma to provide for the deficiencies of Dutta et al..
In regards to point (A), Examiner respectfully disagrees. Examiner never acknowledged that Dutta fails to teach such argued feature as described by Applicant.

(B) Applicant argues that Dutta does not disclose modifying the request for content.
In regards to point (B), Examiner respectfully disagrees. Column 5, line 65 to column 6, line 1, Dutta discloses modifying the content of the response upon detecting a request from a talking browser. This request from a talking browser is inherently a "modified request" in that it is not a regular request. This type of request is causing the web server to modify the content of the response to exclude content not suitable for presentation to a talking browser.

(C) Applicant argues that the combination of Dutta and Sharma still does not result in the claimed feature of "modifying the request [for content] to include information specifying support of a parse and pre-fetch service as to permit handling of the modified request by the web server in absence of an upstream proxy that is communicating with the web server.".
In regards to point (C), Examiner respectfully disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, on would be motivated to do so for the purpose of minimizing the delay exhibited by the system (paragraph [0049]).

(D) Applicant argues that there is no suggestion in Sharma that the pre-fetching is performed as a result of modifying the request for content to include information specifying support of a parse and pre-fetch service. Accordingly, there would have been nothing to lead the artisan to modify the request for content in Durra et al. to include information specifying support of a parse and pre-fetch service.
In regards to point (D), Examiner respectfully disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, on would be motivated to do so for the purpose of minimizing the delay exhibited by the system in responding to subsequent user requests for content once a dialogue has been initiated (paragraph [0049]). Therefore, the combination of Sharma in view of Dutta would lead an artisan to modify the request to include information specifying support of a parse and pre-fetch service.

(E) Applicant argues that the Examiner rationale does not even address this feature of "identifying the downstream proxy".
In regards to point (E), Examiner respectfully disagrees. In figure 8, Dutta discloses proxy server 182, which Examiner construes as "the downstream proxy".
In the abstract, Dutta discloses a proxy server intermediary between the browser and the web server for handling the determination of whether to deliver the requested content to the browser or whether to preserve the content for later viewing when the user is at a more conventional browser (i.e. "identifying the downstream proxy"). .